

Anne ORTIZ-JULIEN
Appl. No. 10/586,667
Atty. Ref.: 1721-122
Amendment
Monday, February 1, 2010

REMARKS

Reconsideration is requested.

Claims 13-35 are pending. The claims have been amended, without prejudice.

The claims have been revised, without prejudice. Support for the amendments can be found throughout the specification and unamended claims. No new matter has been added.

The objection to claims 13-22 and 25-27 is obviated by the above amendments.

Withdrawal of the objection is requested.

The separate objection to claims 25 and 27 is obviated by the above amendments. Withdrawal of the objection is requested.

Claim 27 has been revised, without prejudice, to obviate the Section 101 rejection of same. Withdrawal of the rejection is requested.

The Section 112, second paragraph, rejection of claims 15, 16, 17, 20 and 22 is obviated by the above amendments. The alternative embodiments of the rejected claims have been made the subject matter of separate dependent claims. Claims 25 and 27 have been revised, without prejudice, in response to the Examiner's comments on pages 3-4 of the Office Action dated August 31, 2009. Withdrawal of the rejection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 13-27 over Ferrarini (EP 1236795 - R1) and Salgues (Journal of Food Science, 1986, Vol. 51, No. 5, pp 1191-1194 - R2), is traversed. Reconsideration and

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withdrawal of the rejection are requested in view of the above and the following comments.

According to the Examiner, R1 discloses the use of an oenological yeast to improve the organoleptic properties of wines, but does not teach the effect of glutathione as anti-oxidative agent, such an effect allegedly being taught by R2 which discloses that the glutathione prevents browning in white grape juice.

With respect to R1, the Examiner points out that it teaches that wines kept in the presence of yeasts are less sensitive to oxidation phenomena.

The Examiner then concludes that in view of R1 and R2, it would have allegedly been obvious for the one skilled in the art to have used glutathione-enriched yeasts to obtain an effect on the defective ageing of white wines.

Contrary to the Examiner's opinion, the applicants believed that R1 does not lead to elaborate means to prevent the defective ageing problems of white wine.

In paragraph [0037], lines 31-38 of page 4, R1 it is stated that advantages resulting from the use of "a secondary dose" of oenological yeast according to R1 comprise "absorption of oxygen". But , first, the interest of such an effect is not stressed compared to the other mentioned advantages, in paragraph [0037]; second, the high reduction of the oxygen content is considered in Paragraph [0042], as being an effect to be avoided. It is proposed to use low doses of oxygen. The applicants believe that such a teaching would be contrary to the present invention. Moreover, the applicants believe that there is no teaching or suggestion in R1 leading to specifically choose as yeast for the secondary dose, an enriched-glutathione yeast.

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As for R2, the applicants believe the reference concerns the oxidizing effect of the *Botrytis cinerea* laccase on 2-S-glutathionyl caftaric acid and the role of this oxidation on the musts and wines produced from bothrytized grapes. The applicants believe that one of ordinary skill in the art would not have been led by R2 to believe that an effect such as demonstrated by the invention could be obtained by using glutathione-enriched yeasts.

The applicants submit that the combination of cited art would not have made the claimed invention obvious. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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